

ORIGINAL

COPULOS FISHER & ROYLO
A Limited Liability Law Company

WILLIAM COPULOS 4908-0
DONALD E. FISHER 6268-0
RYAN W. ROYLO 6329-0
American Savings Bank Tower
1001 Bishop Street, Ste. 1510
Honolulu, Hawaii 96813
Telephone: (808) 536-0500
Facsimile: (808) 536-0021
E-Mail: rroylo@copuloslaw.com

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

OCT 31 2007
at 2 o'clock and 25 min. 10 M.
SUE BEITIA, CLERK

GUSTAFSON GLUEK PLLC

DANIEL E. GUSTAFSON 202241
RENAE D. STEINER 222392
JASON S. KILENE 024773X
650 Northstar East
608 Second Avenue South
Minneapolis, Minnesota 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622
E-Mail: jkilene@gustafsongluek.com

LODGED

OCT 30 2007
3:10 PM
CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

Attorneys for Plaintiff
FRED I. WAKI, and all others similarly
situated

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others similarly
situated,

Plaintiff,

vs.

Civil No. CV07-00178 (SOM/BMK)

PLAINTIFF'S EX PARTE MOTION
TO UNSEAL THE COMPLAINT
FILED MARCH 30, 2007;
MEMORANDUM IN SUPPORT;
DECLARATION OF RYAN W.

LG PHILIPS LCD COMPANY, LTD;
LG PHILIPS LCD AMERICA, INC.;
LG ELECTRONICS, INC.; ROYAL
PHILIPS ELECTRONICS NV;
SAMSUNG ELECTRONICS CO.,
LTD.; SAMSUNG
SEMICONDUCTOR, INC.; AU
OPTRONICS CORPORATION
AMERICA; CHI MEI
OPTOELECTRONICS; CHI MEI
OPTOELECTRONICS USA, INC.;
SHARP CORPORATION; SHARP
ELECTRONICS CORPORATION;
TOSHIBA CORPORATION;
MATSUSHITA DISPLAY
TECHNOLOGY CO., LTD.; HITACHI,
LTD.; HITACHI DISPLAYS, LTD.;
HITACHI AMERICA, LTD.; HITACHI
ELECTRONIC DEVICES (USA),
INC.; SANYO EPSON IMAGING
DEVICES CORPORATION; NEC
CORPORATION; NEC LCD
TECHNOLOGIES, LTD.; IDT
INTERNATIONAL LTD.;
INTERNATIONAL DISPLAY
TECHNOLOGY USA, INC.;
CHUNGHWA PICTURE TUBES,
LTD.; and HANNSTAR DISPLAY
CORPORATION,

Defendants.

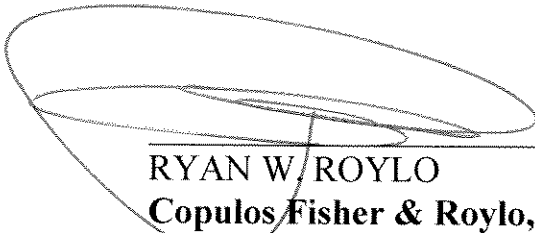
ROYLO; ORDER GRANTING
PLAINTIFF'S EX PARTE MOTION
TO UNSEAL THE COMPLAINT
FILED MARCH 30, 2007; EXHIBIT
"1"; CERTIFICATE OF SERVICE

**PLAINTIFF'S EX PARTE MOTION TO UNSEAL
THE COMPLAINT FILED ON MARCH 30, 2007**

Comes now Plaintiff FRED I. WAKI, and all others similarly situated, ("Plaintiffs") moves this Court, *ex parte*, for an order granting Plaintiff's *ex parte* motion to unseal the Complaint filed on March 30, 2007.

This motion is made pursuant to Rule 7(b), Federal Rules of Civil Procedure, and is based upon the Memorandum in Support of Motion, declaration of Ryan W. Roylo, and the records and files herein.

Dated Honolulu, Hawaii: October 30, 2007.



RYAN W. ROYLO
Copulos Fisher & Roylo, LLC
American Savings Bank Tower
1001 Bishop Street
Suite 1510
Honolulu, HI 96813

Daniel E. Gustafson (#202241)
Renae D. Steiner (#222392)
Jason S. Kilene (#024773X)
Gustafson Gluck PLLC
650 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
(612) 333-8844

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others
similarly situated,

Plaintiff,

vs.

LG PHILIPS LCD COMPANY,
LTD; LG PHILIPS LCD AMERICA,
INC.; LG ELECTRONICS, INC.;
ROYAL PHILIPS ELECTRONICS
NV; SAMSUNG ELECTRONICS
CO., LTD.; SAMSUNG
SEMICONDUCTOR, INC.; AU
OPTRONICS CORPORATION
AMERICA; CHI MEI
OPTOELECTRONICS; CHI MEI
OPTOELECTRONICS USA, INC.;
SHARP CORPORATION; SHARP
ELECTRONICS CORPORATION;
TOSHIBA CORPORATION;
MATSUSHITA DISPLAY
TECHNOLOGY CO., LTD.;
HITACHI, LTD.; HITACHI
DISPLAYS, LTD.; HITACHI
AMERICA, LTD.; HITACHI
ELECTRONIC DEVICES (USA),
INC.; SANYO EPSON IMAGING
DEVICES CORPORATION; NEC
CORPORATION; NEC LCD
TECHNOLOGIES, LTD.; IDT
INTERNATIONAL LTD.;
INTERNATIONAL DISPLAY
TECHNOLOGY USA, INC.;
CHUNGHWA PICTURE TUBES,

Civil No. CV07-00178
(SOM/BMK)

MEMORANDUM IN SUPPORT
OF PLAINTIFF'S EX PARTE
MOTION TO UNSEAL THE
COMPLAINT FILED MARCH
30, 2007

LTD.; and HANNSTAR DISPLAY
CORPORATION,

Defendants.

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S EX PARTE
MOTION TO UNSEAL THE COMPLAINT FILED MARCH 30, 2007**

I. BACKGROUND

This case arises out of a long-running nationwide conspiracy beginning no later than January 1, 2002 ("Class Period"), among all Defendants and their co-conspirators with the purpose and effect of fixing prices, allocating market shares, eliminating and suppressing competition, constraining supply, limiting capacity, and committing other unlawful practices designed to inflate and stabilize the prices of Thin-Film Transistor Liquid Crystal Displays (TFT-LCDs or panels).

On March 30, 2007, Plaintiff FRED I. WAKI filed this class action lawsuit under seal pursuant to Section 16 of the Clayton Act, 15 U.S.C. § 26, to obtain injunctive relief for violations of Section 1 of the Sherman Act, 15 U.S.C. § 1, on behalf of himself and all others similarly situated "indirect purchasers", to recover damages under Hawaii state consumer protection and common laws, and to recover the costs of suit, including reasonable attorneys' fees, for the injuries that Plaintiff and all

others similarly situated sustained as a result of Defendants' violations of those laws including unfair and deceptive acts or practices.

On April 4, 2007, a sealed copy of the Complaint was served upon the Attorney General, State of Hawaii.

On April 9, 2007, Deputy Attorney General Rodney I. Kimura took the position that since the Attorney General was not served with "all relevant supporting and exculpatory materials in possession of the proposed class representative or its counsel," the sixty (60) day period was held in abeyance.

On May 10, 2007, several hundred pages of supporting material were provided to Deputy Attorney General Rodney I. Kimura.

On May 18, 2007, Deputy Attorney General Rodney I. Kimura stated that the Attorney General was not going to proceed with the action or file his own action involving the same or similar claims as set forth in the Complaint. (See Exhibit 1, 5/18/07 letter from R. Kimura).

It does not appear that the Department of the Attorney General, State of Hawaii informed the Court of its inclination.

Plaintiff now seeks a Court order to unseal the Complaint to allow this matter to proceed as the requirements of state law for this type of

lawsuit have now been met and the Attorney General, State of Hawaii, has declined to proceed or file his own action.

II. DISCUSSION

Hawaii Revised Statutes (“HRS”) §480-13.3(5)(C) provides that if the State declines or fails to timely proceed with the action, the Complaint shall be unsealed and the proposed class representative shall have the right to conduct the action.

* * *

- (5) On or before the expiration of the sixty-day period or any extensions obtained, the attorney general shall notify the court of its decision on whether the State will proceed with the action or file its own action involving the same or similar claim or claims set forth in the complaint filed by the proposed class representative:

* * *

(C) If the State declines or fails to timely elect to proceed with the action, or declines to file its own action involving the same or similar claim or claims set forth in the complaint filed by the proposed class representative, the proposed class representative shall have the right to conduct the action, and the complaint shall be unsealed and served upon the defendant by order of court. If the attorney general so requests, the State shall be served with copies of all pleadings filed in the action, and shall be supplied with copies of all deposition transcripts at the State's expense. When the proposed class representative proceeds with the action, the court without limiting the status and rights of such person may nevertheless permit the State to intervene at a later date upon showing of

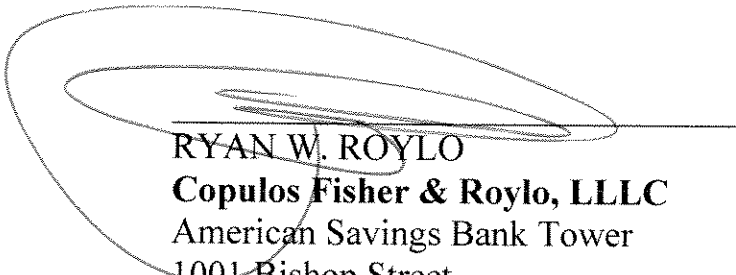
good cause, and upon such terms and conditions that the court deems just.

In this matter, since the State has declined to proceed with this action, file its own action, and/or timely proceed, pursuant to HRS §480-13.3(5)(C), as a matter of law, the Complaint must be unsealed and Plaintiff must be allowed to proceed with the action.

III. CONCLUSION

Based upon the foregoing, Plaintiff respectfully requests that this Ex Parte Motion to unseal the Complaint filed on March 30, 2007 be granted.

Dated Honolulu, Hawaii: October 30, 2007.



RYAN W. ROYLO
Copulos Fisher & Roylo, LLC
American Savings Bank Tower
1001 Bishop Street
Suite 1510
Honolulu, HI 96813

Daniel E. Gustafson (#202241)
Renae D. Steiner (#222392)
Jason S. Kilene (#024773X)
Gustafson Gluek PLLC
650 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
(612) 333-8844

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others similarly
situated,

Plaintiff,

vs.

LG PHILIPS LCD COMPANY, LTD;
LG PHILIPS LCD AMERICA, INC.;
LG ELECTRONICS, INC.; ROYAL
PHILIPS ELECTRONICS NV;
SAMSUNG ELECTRONICS CO.,
LTD.; SAMSUNG
SEMICONDUCTOR, INC.; AU
OPTRONICS CORPORATION
AMERICA; CHI MEI
OPTOELECTRONICS; CHI MEI
OPTOELECTRONICS USA, INC.;
SHARP CORPORATION; SHARP
ELECTRONICS CORPORATION;
TOSHIBA CORPORATION;
MATSUSHITA DISPLAY
TECHNOLOGY CO., LTD.; HITACHI,
LTD.; HITACHI DISPLAYS, LTD.;
HITACHI AMERICA, LTD.; HITACHI
ELECTRONIC DEVICES (USA),
INC.; SANYO EPSON IMAGING
DEVICES CORPORATION; NEC
CORPORATION; NEC LCD
TECHNOLOGIES, LTD.; IDT
INTERNATIONAL LTD.;
INTERNATIONAL DISPLAY
TECHNOLOGY USA, INC.;
CHUNGHWA PICTURE TUBES,
LTD.; and HANNSTAR DISPLAY

Civil No. CV 07-00178 (SOM/BMK)

DECLARATION OF RYAN W.
ROYLO

CORPORATION,

Defendants.

DECLARATION OF RYAN W. ROYLO

I, RYAN W. ROYLO, declare:

1. That he is an attorney duly licensed to practice before the courts in the State of Hawaii, is the attorney for Plaintiff in the above-entitled action, is personally familiar with the facts of the case herein, and is competent to testify to the matters set forth herein.

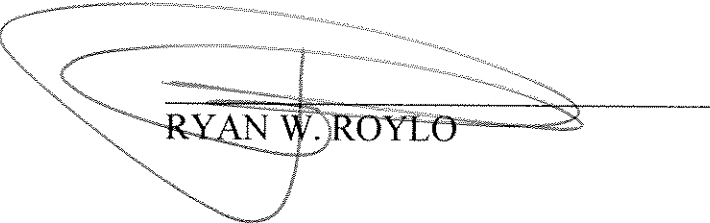
2. The Complaint in the above-entitled matter was filed on March 30, 2007.

3. On May 18, 2007, the Department of the Attorney General, State of Hawaii, indicated that it would not proceed with this lawsuit and would not file its own lawsuit involving the same or similar claims or claims as set forth in the Complaint filed under seal on March 30, 2007.

4. Attached hereto as Exhibit "1" is a true and correct copy of Rodney I. Kimura's May 18, 2007 letter.

I, RYAN W. ROYLO, declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, October 30, 2007.



RYAN W. ROYLO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others similarly
situated,

Plaintiff,

vs.

LG PHILIPS LCD COMPANY, LTD;
LG PHILIPS LCD AMERICA, INC.;
LG ELECTRONICS, INC.; ROYAL
PHILIPS ELECTRONICS NV;
SAMSUNG ELECTRONICS CO.,
LTD.; SAMSUNG
SEMICONDUCTOR, INC.; AU
OPTRONICS CORPORATION
AMERICA; CHI MEI
OPTOELECTRONICS; CHI MEI
OPTOELECTRONICS USA, INC.;
SHARP CORPORATION; SHARP
ELECTRONICS CORPORATION;
TOSHIBA CORPORATION;
MATSUSHITA DISPLAY
TECHNOLOGY CO., LTD.; HITACHI,
LTD.; HITACHI DISPLAYS, LTD.;
HITACHI AMERICA, LTD.; HITACHI
ELECTRONIC DEVICES (USA),
INC.; SANYO EPSON IMAGING
DEVICES CORPORATION; NEC
CORPORATION; NEC LCD
TECHNOLOGIES, LTD.; IDT
INTERNATIONAL LTD.;
INTERNATIONAL DISPLAY
TECHNOLOGY USA, INC.;
CHUNGHWA PICTURE TUBES,
LTD.; and HANNSTAR DISPLAY

Civil No. CV07-00178 (SOM/BMK)

ORDER GRANTING PLAINTIFF'S
EX PARTE MOTION TO UNSEAL
THE COMPLAINT FILED MARCH
30, 2007

CORPORATION,

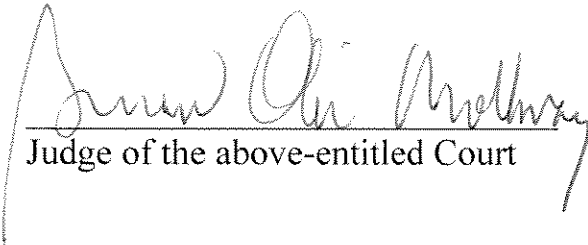
Defendants.

**ORDER GRANTING PLAINTIFF'S EX PARTE MOTION
TO UNSEAL THE COMPLAINT FILED MARCH 30, 2007**

Upon review of Plaintiff's Ex Parte Motion to Unseal the Complaint filed on March 30, 2007 and the Declaration of Ryan W. Roylo attached hereto, and good cause appearing therefore,

IT IS HEREBY ORDERED that Plaintiff's Ex Parte Motion to Unseal the Complaint filed on March 30, 2007 is GRANTED.

DATED: Honolulu, Hawaii, 10/31/07.

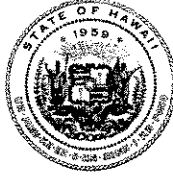

Judge of the above-entitled Court

FRED I. WAKI, and all others similarly situated, Plaintiff, vs. LG PHILIPS LCD COMPANY, LTD., et. al; Civil No. CV07-00178 (SOM/BMK); Order Granting Plaintiff's Ex Parte Motion to Unseal the Complaint filed March 30, 2007

**Letter to Ryan W. Roylo, Esq.
From Rodney I. Kimura,
Deputy Attorney General
Dated May 18, 2007**

EXHIBIT “A”

LINDA LINGLE
GOVERNOR



MARK J. BENNETT
ATTORNEY GENERAL

LISA M. GINOZA
FIRST DEPUTY ATTORNEY GENERAL

**STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL**

425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1800

May 18, 2007

VIA TELEFACSIMILE AND U.S. MAIL

Ryan W. Roylo, Esq.
Copulos Fisher & Roylo
1001 Bishop Street
American Savings Tower - Suite 1510
Honolulu, Hawaii 96813

CONFIDENTIAL

Dear Mr. Roylo:

Re: Waki v. LG Philips, et. al., Civil No. CV07-00178 (SOM/BMK)

On April 4, 2007, the Department of the Attorney General received a sealed copy of a complaint for a class action filed on March 30, 2007, in the United States District Court for the District of Hawaii, Civil No. CV07 00178 SOM-BMK. Your letter indicated that the complaint was being provided pursuant to section 480-13.3, Haw. Rev. Stat.

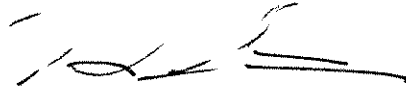
In our letter dated April 9, 2007, we informed you that service of the complaint was not accompanied by service of "all relevant supporting and exculpatory materials in possession of the proposed class representative or its counsel" as is required by section 480-13.3.

On May 15, 2007, your office delivered materials along with a cover memo which referred to the materials as "Supporting documents for the LCD Antitrust Litigation." There was no representation that the materials constituted "all relevant supporting and exculpatory materials" nor were the materials indexed or otherwise correlated to the allegations in the complaint. Since our letter dated April 9, 2007 apprised you of the statutory obligation to provide "all relevant supporting and exculpatory materials," we will assume that the delivered materials constitute a good faith effort by you and your office to comply with the obligation.

Ryan W. Roylo, Esq.
May 18, 2007
Page 2

Based on our review of the materials provided, the department hereby provides notice that it will not proceed with the action or file its own action involving the same or similar claims set forth in the Complaint. Please note, however, that the statute provides the Attorney General with the right to seek to intervene at any time. See, section 480-13.3(a)(5)(C). Nothing in this letter constitutes a waiver or limitation of that right by the Attorney General in any way.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rodney I. Kimura", written over a horizontal line.

Rodney I. Kimura
Deputy Attorney General

RIK/jth

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others similarly
situated,

Plaintiff,

vs.

LG PHILIPS LCD COMPANY, LTD;
LG PHILIPS LCD AMERICA, INC.;
LG ELECTRONICS, INC.; ROYAL
PHILIPS ELECTRONICS NV;
SAMSUNG ELECTRONICS CO.,
LTD.; SAMSUNG
SEMICONDUCTOR, INC.; AU
OPTRONICS CORPORATION
AMERICA; CHI MEI
OPTOELECTRONICS; CHI MEI
OPTOELECTRONICS USA, INC.;
SHARP CORPORATION; SHARP
ELECTRONICS CORPORATION;
TOSHIBA CORPORATION;
MATSUSHITA DISPLAY
TECHNOLOGY CO., LTD.; HITACHI,
LTD.; HITACHI DISPLAYS, LTD.;
HITACHI AMERICA, LTD.; HITACHI
ELECTRONIC DEVICES (USA),
INC.; SANYO EPSON IMAGING
DEVICES CORPORATION; NEC
CORPORATION; NEC LCD
TECHNOLOGIES, LTD.; IDT
INTERNATIONAL LTD.;
INTERNATIONAL DISPLAY
TECHNOLOGY USA, INC.;
CHUNGHWA PICTURE TUBES,
LTD.; and HANNSTAR DISPLAY

Civil No. CV07-00178 (SOM/BMK)

CERTIFICATE OF SERVICE

[Re: PLAINTIFF'S EX PARTE
MOTION TO UNSEAL THE
COMPLAINT FILED MARCH 30,
2007]

CORPORATION,

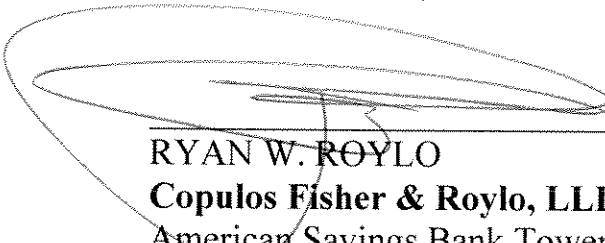
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Plaintiff's Ex Parte Motion to Unseal the Complaint filed March 30, 2007 was duly served by U.S. Mail upon the following parties at their last known address on October 30, 2007.

Rodney I. Kimura
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Dated Honolulu, Hawaii: October 30, 2007.



RYAN W. ROYLO
Copulos Fisher & Roylo, LLC
American Savings Bank Tower
1001 Bishop Street
Suite 1510
Honolulu, HI 96813

Daniel E. Gustafson (#202241)
Renae D. Steiner (#222392)
Jason S. Kilene (#024773X)
Gustafson Gluek PLLC
650 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
(612) 333-8844

Attorneys for Plaintiff